

104TH CONGRESS  
2D SESSION

# H. CON. RES. 214

Expressing the sense of the Congress that a patient has certain rights  
regarding medical care that should be protected by law.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 1996

Mrs. SMITH of Washington submitted the following concurrent resolution;  
which was referred to the Committee on Commerce

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## CONCURRENT RESOLUTION

Expressing the sense of the Congress that a patient has  
certain rights regarding medical care that should be pro-  
tected by law.

Whereas a patient has the right to have access to all informa-  
tion relevant to the care or course of treatment to make  
an appropriate health care decision;

Whereas certain health plans contain contractual clauses that  
prevent a health care provider from providing all the in-  
formation relevant to the care or course of treatment  
available to a patient, and such clauses interfere with a  
patient's ability to make an appropriate health care deci-  
sion;

Whereas a patient has the right to seek care from the health  
care provider of the patient's choice;

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Whereas a patient has the right to know all the benefits (including services, terms, and costs) and patient rights and responsibilities under a health plan, but certain health plans do not explain in plain English all those benefits and patient rights and responsibilities under the plan;

Whereas a patient has the right to have access to the patient's medical records as well as the right to control access to such records;

Whereas a patient has the right to choose a course of treatment even if it is not a course of treatment recommended by the patient's health care provider;

Whereas a patient has the right to medical care free from interference from a third party payer (such as an insurer) and the right to make appropriate health care decisions without fear of reprisal from a third party against the patient or the health care provider;

Whereas a patient has the right to contract with a health care provider on mutually agreeable terms, including the option to use a patient's own resources to purchase the desired care or course of treatment;

Whereas while the number of managed care health plans has increased, patients have experienced a corresponding erosion of these rights; and

Whereas knowledge of these rights and greater information about health plans empowers patients: Now, therefore, be it

- 1        *Resolved by the House of Representatives (the Senate*
- 2 *concurring)*, That it is the sense of the Congress that the
- 3 law should protect a patient's right to—

1           (1) receive full disclosure from the patient's  
2           health care provider of information relevant to the  
3           patient's care or course of treatment, including the  
4           risks and benefits of treatment and appropriate al-  
5           ternatives;

6           (2) seek care from the health care provider of  
7           the patient's choice;

8           (3) receive full disclosure in plain English of  
9           the terms of a health plan before signing up for the  
10          plan, including a copy of the contract, benefits (in-  
11          cluding services, terms, and costs) and patient rights  
12          and responsibilities under a health plan, approval  
13          procedures for services, a roster and qualification of  
14          participating providers, referral procedures, financial  
15          incentives offered to providers for restricting care,  
16          and procedures for appeal of denials of claims;

17          (4) have access to the patient's medical records,  
18          and to limit access of such records to the patient, to  
19          those directly involved with the patient's care, and to  
20          others designated by the patient;

21          (5) choose a course of treatment even if such  
22          treatment is not recommended by the health care  
23          provider;

24          (6) refuse interference from a third party payer  
25          (such as an insurer) in the patient's medical care,

1       and to be confident that a decision to seek or decline  
2       care will not result in penalties imposed by the third  
3       party payer on the patient or the health care pro-  
4       vider; and

5               (7) contract with a health care provider on mu-  
6       tually agreeable terms, including the option to use  
7       the patient's own resources to purchase the desired  
8       care.

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